

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Barry S. Garrison,

110 Wayland Drive
Duncan, South Columbia 29334.

107548
SCDOI File Number ~~105784~~

**Consent Order Revoking
Resident Insurance Agent's License**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Barry S. Garrison, a licensed State of South Carolina resident insurance agent.

Garrison hereby admits, and I find as fact, that, while licensed by the Department to transact business as a resident insurance agent within the State of South Carolina, he mishandled files, applications, and premiums as Managing Agent for the Boiling Springs Insurance Agency. In some instances, although he received a premium, he did not process an application. Nor did he send the premium to the insurer. Similarly, in other cases, he received the premium and application and failed to send both to the insurer. In a number of cases where no policy existed, Garrison misled customers to believe they were insured. Garrison was not able to track monies as they were received into the agency because no reliable bookkeeping system was implemented. Garrison contends that he was overwhelmed by the workload and that his poor management skills adversely affected the overall operation of the Agency. Garrison further contends that he did not use the premiums for his own personal use and that it was not his attempt to circumvent the insurance laws of this State. However, his actions are in violation of S.C. Code Ann. Sections 38-43-130 (Supp. 2000) and can ultimately lead to revocation of his license to transact the business of insurance as a resident insurance agent in South Carolina following a public hearing at the Administrative Law Judge Division.

Rather than contesting these matters with a formal public hearing, the parties agreed to submit the entire matter to me, along with the specific recommendation, for my summary decision based solely on the record. That recommendation was that Garrison would waive his right to a public hearing and would voluntarily surrender his license for revocation.

Section 38-43-130 of the South Carolina Code provides, "The director or his designee may revoke or suspend an agent's license after ten days' notice or refuse to reissue a license when it appears that an agent has been convicted of a crime of moral turpitude, has violated this title or a regulation promulgated by the Department, or has wilfully deceived or dealt unjustly with the citizens of this State."



Barry S. Garrison

After a thorough review of the record, carefully considering the recommendation of the parties, and in accordance with my findings of fact, I now conclude, as a matter of law, that Garrison has willfully dealt unjustly with citizens of this State, thereby violating § 38-43-130, and that he should no longer be allowed to transact the business of insurance.

By his signature upon this Consent Order Revoking Insurance Agent's License Garrison acknowledges that he understands this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000).

Nothing contained in this administrative disciplinary order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained in this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained in this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. Section 38-3-110 (4) (Supp. 2000), of the Director of Insurance, exercised either directly or through the Department to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is therefore ordered that the license of Barry S. Garrison to do business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked and that no license, issued through the Department is to be issued to Garrison.

It is further ordered that a copy of this consent order shall be transmitted to the National Association of Insurance Commissioners for distribution to its member states and to each insurer for which Barry S. Garrison is currently licensed to transact business as a resident insurance agent within the State of South Carolina.

This consent order becomes effective as of the date of my signature below.



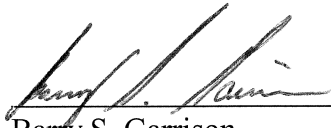
Ernst N. Csiszar
Director

May 14, 2001 at
Columbia, South Carolina



Barry S. Garrison

I Consent:

A handwritten signature in dark ink, appearing to read "Barry S. Garrison", is written over a horizontal line.

Barry S. Garrison
110 Wayland Drive
Duncan, South Carolina 29334

Dated this 7 day of May 2001